

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MICHELE GRAY,

Plaintiff,

vs.

**1:20-CV-714
(TJM/ATB)**

GC SERVICES/APPLE,

Defendant.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* Complaint to Magistrate Judge Andrew T. Baxter for an initial review pursuant to 28 U.S.C. § 1915(e) and a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that she was the victim of employment discrimination and seeks relief under various federal statutes.

Magistrate Judge Baxter's Report-Recommendation, dkt. # 6, issued on July 9, 2020, recommends that the Court dismiss the Complaint with leave to Amend and state a claim under Title VII of the Civil Rights Act of 1964. Plaintiff had claimed the Court had jurisdiction pursuant to a variety of federal statutes. Magistrate Judge Baxter concludes that Plaintiff did not state a claim under any of those statutes. He finds, however, that the facts alleged in the Complaint may permit Plaintiff to make a claim under Title VII and recommends that the Court permit repleading under that statute only.

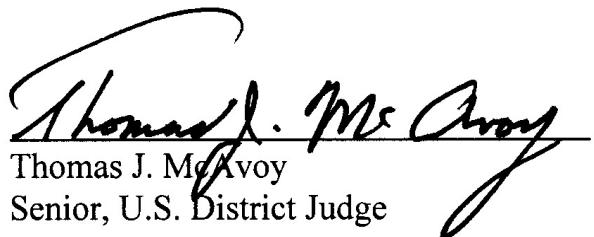
Petitioner did not object to the Report-Recommendation. The time for such objections has passed. Plaintiff has instead filed an Amended Complaint. See dkt. # 7. The Court therefore concludes that Plaintiff does not object to the Report-Recommendation. Instead, it appears, she has determined to file an Amended Complaint based on Magistrate Judge Baxter's findings. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Baxter, dkt. # 6, is hereby **ACCEPTED** and **ADOPTED**. Plaintiff's Complaint is hereby **DISMISSED WITHOUT PREJUDICE TO REPLEADING ANY TITLE VII CLAIMS** and **DISMISSED WITHOUT LEAVE TO AMEND** in all other respects. As Plaintiff has filed an Amended Complaint, dkt. # 7, the Clerk of Court is hereby directed to refer that Amended Complaint to Magistrate Judge Baxter for initial review.

IT IS SO ORDERED.

Dated: November 13, 2020


Thomas J. McAvoy
Senior, U.S. District Judge